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No. 1054

In the

Supreme Court of the United States

OCTOBER TERM, 1966.

GEORGE N. CHRISTOFALOS,

Petitioner,

vs.

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

PETITION FOR REHEARING OF DENIAL OF PETITION FOR WRIT OF CERTIORARI

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The Scheffer Press, Inc.—ANdover 3-6850

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Petitioner, George N. Christofalos, prays for a rehearing of the decision of this Court dated March 27, 1967 denying the Petition For Writ Of Certiorari in this cause. The petitioner wishes to point out substantial grounds not urged in the original Petition For Writ Of Certiorari.

The brief for the United States in opposition is confined entirely to stressing the "criminal record" of the petitioner, which was the basis for the denial of petitioner's application to re-apply for admission to the United States after deportation.

Let us examine the "significant criminal record" (Brief for the United States in Opposition, page 5), of the petitioner. This will be found at page 6(a) of the Petition For Writ Of Certiorari heretofore filed in this matter.

First of all, there was an assault conviction, following an arrest on February 29, 1960 in Chicago. It will be noted at page 82 of the administrative record that this was an ex-parte disposition with a fine and court costs totalling $15.00 being deducted from the petitioner's $25.00 bond. In the record at pages 35 through 37, it appears that petitioner was engaged to a girl and that the mother of the girl had turned against the petitioner and had him arrested when he came to her home after he had been drinking, but that he never struck the girl.

The next was a charge of larceny of automobiles, on August 26, 1960, which was reduced to a misdemeanor, "tampering with an auto".

The next is a charge on October 14, 1963 in Chicago "aiding or soliciting for a prostitute" for which he was discharged. It is common knowledge, I believe, that in a tavern, where petitioner was a bartender, it is not at all uncommon for prostitutes to solicit without the knowledge or consent of the bartender or owner, and petitioner was, quite properly, discharged.

The only charge which is not a misdemeanor was the one on October 20, 1965, for robbery. However, at page 98 of the administrative record the complete story of this arrest will be found. It appears that the owner of a nearby tavern asked the petitioner's help to take home a drunken person who had already been robbed, and he helped the neighboring tavern keeper take the man home. For acting as a "good samaritan" the petitioner found

himself charged with robbery. It was not "armed robbery" but robbery of this drunken person, that petitioner was charged. He was released on a bond of only One Thousand ($1,000.00) Dollars, showing that the person who fixed the bond evidently thought very little of the charge or the bond would certainly have been much higher.

In the record at pages 55 and 59, it is indicated that the complaining witness never appeared in court on the many occasions when the charge was up for trial, and ultimately the petitioner was discharged.

As to the petitioner's police record in Canada, they all arose out of the same transactions and were "bad check" charges, on which the petitioner made restitution of the Three Hundred ($300.00) Dollars that was involved.

Can this really be called a "significant criminal record" as charged in the Brief for the United States? The result of the denial of the application for permission to re-apply for admission to the United States after deportation will require that the petitioner's wife, child and stepchild, all of whom were born in the United States, and all of whom are dependent upon him for support, will be required to reside outside of their homeland so that they may be supported by their husband and father.

CONCLUSION

For the reasons stated, petitioner respectfully requests for a re-hearing of the petition for writ of certiorari, and the granting of said petition.

Respectfully submitted,

NATHAN T. NOTKIN
Attorney for Petitioner.

CERTIFICATE OF COUNSEL

Nathan T. Notkin, counsel for petitioner herein, represents that this Petition For Rehearing is presented in good faith and not for delay, and that it is restricted to substantial grounds not previously presented in the Petition For Writ Of Certiorari.

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